

## **EPA Rationale For Making Listing Decisions**

EPA is approving Arkansas' decision not to list some of the waterbody-pollutant combinations identified by plaintiffs in Sierra Club v. EPA, Case No. LR-C-99-114 (E.D. Ark.),. The attached tables provide a rationale for each such decision. The rationales discuss the available data and information used by Arkansas and EPA in making a decision that specific waterbody-pollutant combinations are not required to be listed by the Clean Water Act and EPA's implementing regulations. Further explanation is provided in the paragraphs below.

The EPA's review of Attachment A and B waters consisted of applying the Arkansas Department of Environmental Quality's (ADEQ) methodology to data (STORET, USGS or Arkansas' ambient monitoring data) for the period of record from October 1998 through December 2001 in addition to reviewing other readily available data. Where there was little or no data for the period of record or other information, the EPA considered data that was used by Arkansas for the 1996 303(d) list. Waters were listed where at least 12 samples were available and more than a certain percentage of samples exceeded the applicable water quality standard. Additionally, waters were listed in cases where the minimum sample size had not been met but the number of exceedances would cause a non-supporting finding at the minimum sample size even if additional samples all meeting the criterion were collected. As appropriate, for waters where there was no data or other information, evaluative assessments were made based on data from upstream or downstream reaches. Where it was not appropriate to make an evaluative assessment, the EPA concluded that the waters are not required to be listed based on the absence of adequate data or information demonstrating impairment. Once additional data is collected, Arkansas will need to evaluate that data for future lists.

### **Interpretation of numerical values**

The applicable percent exceedances provided in the ecoregion and stream specific assessment criteria tables of the ADEQ's assessment methodology varied according to the parameter (i.e. turbidity, pathogens, etc.). The EPA technical staff have determined that the percent exceedances used in the assessment methodology for the parameters addressed in the attached tables is a reasonable approach and is consistent with Arkansas's water quality standards.

According to Arkansas' listing methodology, "the number of data points exceeding the criteria which are necessary for a "non-support" decision will be calculated and rounded up to the nearest whole number", e.g. if there are 38 data points, under the State's methodology, 10 exceedances would equal 25%, since  $38 \times 0.25 = 9.5$ , which is rounded up to 10. Therefore, in this example, 10 exceedances of the criteria results in a decision that the waterbody is not required to be listed, since 11 exceedances would be needed to list as impaired. Thus, the primary contact use for pathogens is supporting for Wababaseka Bayou, since seven samples were collected during the April - September time period and 2 of those exceeded the criterion. Multiplying 7 by 25% gives 1.75 which is rounded to 2 samples. Therefore, 2 exceedances is considered "supporting" and 3 exceedances would be needed to list as impaired. EPA has applied this approach to our assessment of the data in the attached tables.

### **Pathogens**

Arkansas cited EPA Region 6's letter dated January 5, 1998 which revised Section 3.3.2 Bacteria of the Guidelines for Preparation of the Comprehensive State Water Quality Assessments (305(b) Report) and Electronic Updates: Supplement as justification for using a > 25% exceedance for nonsupport. Under this guidance the primary contact recreational use is not supporting for fecal coliform if the geometric mean is not met and/or more than 25% of samples exceed 400 colonies per 100 ml. The geometric mean of the fecal coliform bacteria level should not exceed 200 colonies per 100 ml based on at least five samples in a 30 day period. Based on ADEQ's assessment methodology, a minimum of four samples collected during the primary contact season (April - September) are required for determination of nonsupport of the primary contact use.

### **Turbidity**

In general, the rationales describe the data used, the percent exceedances for support, and the water quality standard or criteria used to make the assessment. However, some additional explanation is provide here to clarify assumptions used in the assessment. The ADEQ has provided the EPA with a written rationale concerning their assessment for turbidity given in their assessment methodology document (personal correspondence - Bill Keith). Because of the process used in establishing the ecoregion base standards used in Arkansas the State does not feel that applying a percent exceedance approach to all data year round is appropriate. Data from ecoregion reference streams used to set the ecoregion criteria was collected only during summer and fall periods. Following this reasoning ADEQ applies a twenty-five percent exceedance rate to the criteria for the months of June through October. To better represent periods of wet weather ADEQ uses a fifteen percent exceedance rate as compaired to a 90<sup>th</sup> percentile of ecoregion data that is applied year round. Using the Mulberry River from the attached tables as an example will help to explain how to interpret the rationales. In this case, two criteria were used; a 10 NTU (nephelometric turbidity units) for the base flow period (Jun-Oct) and 19 NTU for year round data to represent storm flow periods. To make a decision of support, 25% of the samples should not exceed a 10 NTU during the base flow period and 15% of the samples should not exceed a 19 NTU for the storm flow period. If either of the criteria are violated, then the water is not supporting. Therefore, because zero samples out of 10 (0/10) collected during the base flow period (which is  $\leq 25\%$ ) exceeded a 10 NTU, the water is in support. Likewise, because only 1 sample out of the 31 samples (1/31) collected during the period of record (which is  $\leq 15\%$ ) exceeded a 19 NTU, the water is in support.

### **Nutrients**

The Arkansas water quality standards for nutrients is a narrative statement that states, "Materials stimulating algal growth shall not be present in concentrations sufficient to cause objectionable algal densities or other nuisance aquatic vegetation. As a guideline total phosphorous shall not exceed 100 ug/l in streams or 50 ug/l in lakes and reservoirs except in waters highly laden with natural silts or color which reduce the penetration of sunlight needed for plant photosynthesis, or in other waters where it can be demonstrated that algal production will not interfere with or adversely affect designated uses an/or fish and wildlife propagation."

EPA believes that the narrative language cited above provides some latitude in determining the best approach for applying the nutrient narrative. As previously discussed Arkansas' water quality standards are ecoregion based. Because of this fact, EPA did not believe application of the guideline values found in the narrative applied statewide was an appropriate approach. The language of the standard recognizes that siltation can be an important factor in determining appropriate targets for nutrients. Based on this acknowledgment, it is reasonable for Arkansas to apply a different total phosphorus target to a clear flowing Ozark Highlands stream than to a silt laden stream in the Delta Ecoregion. EPA believes that it is most appropriate to follow the ecoregion approach for evaluation of waters for nutrient impacts to streams.

To do this EPA used the document, "*Physical, Chemical, and Biological Characteristics of Least-Disturbed Reference Streams in Arkansas' Ecoregions*" (ADPCE,1987). In this document ADEQ (formerly ADPCE) has sampled numerous reference stream reaches in all of the established ecoregions. This data has been used in establishing water quality criterion for numerous other pollutants and EPA believes that this information is the most appropriate information available to help in interpreting the state's narrative nutrient criterion. To establish baseline values for what total phosphorous concentrations may be appropriate in each ecoregion EPA used both the mean and range of all reference stream concentrations for total phosphorous and compared it against available stream concentration values. In the Ozark Highlands ecoregion the mean of 11 reference streams is 5 ug/l with a range of 1 ug/l to 15 ug/l. Obviously, if the narrative guideline of 100 ug/l were applied it would not be sufficiently protective to serve as a reasonable value for assessing impairment. EPA's approach was to compare instream concentrations against the more appropriate ecoregion values to determine if they were meaningfully different. For example, concentrations for sample sites on Osage Creek have a mean almost nine times greater than the reference sites. EPA determined that this stream was significantly different than the ecoregion values and is proposing that this stream be listed. Using this same approach in the Delta Ecoregion yields a mean of 240 ug/l with a range of 100 to 410 ug/l. Waters in this ecoregion also have a much higher silt load as represented by elevated turbidity values at sites in this ecoregion. EPA believes that the language in the narrative recognizing increased silt loads as a mitigating factor in phosphorous levels, applied in conjunction with Arkansas' reference stream sampling, provides a reasonable basis for identifying ecoregion-specific target values for waters in Arkansas that may be different from the 100 ug/l guideline given in the narrative, especially since the language of the standard specifically qualifies the relevance of the guideline based on silt loads and other factors.

### **Lake Assessments for Nutrients**

A multi-parameter approach was used in assessing lakes for a violation of the narrative nutrient criteria. This is the same approach used by ADEQ when identifying whether a stream is impaired for nutrients. In the absence of a state methodology, EPA considered chlorophyll *a* data, dissolved oxygen, pH, and total phosphorus data in addition to other information contained in *Water Quality Assessment of Arkansas' Significantly Publicly-owned Lakes* (1989, 1995, 1999) and 305(b) reports (1996, 2002). Waters proposed for addition to the list in this group show elevated chlorophyll *a*, dissolved oxygen, and pH values, which are strong indicators of nutrient impairment. Although, total phosphorus values were considered, they alone were not the

basis for EPA's decision. Algal density is typically driven by nutrients. Chlorophyll *a* is a surrogate measure for algal density; therefore, the greater the concentration the higher the density. Waters with objectionable algal densities typically display diurnal dissolved oxygen fluctuations with wide swings in the dissolved oxygen concentration from supersaturation during the daytime to below standards in the nighttime. High dissolved oxygen concentrations during the daytime may be an indication of supersaturation. Carbon dioxide concentrations increase in waters with large algal densities as a result of respiration resulting in a change in the pH from neutral to alkaline. Increased pH levels may be an indication of large algal densities.

This approach similar to the methodology used by the ADEQ in listing Rolling Fork (HUC 11140109-919) as being impaired by phosphorus and nitrates. For example, Old Town Lake was proposed for listing because of the excessive chlorophyll values (range 110 - 174 ug/l), possible supersaturated dissolved oxygen value of 13.62 mg/l, and pH of 9.42 which is in violation of the pH standard. In addition, the 1996 305(b) report stated Old Town Lake was "significantly impacted by enriched agricultural runoff" and the 1999 Lake Assessment Report stated "Old Town Lake is an example of an impacted lake from nutrient-enriched and silt-laden agricultural run-off. This lake has a long history of excessive siltation and eutrophication..."

Rationale for Not Listing Waters from Attachment A of the Consent Decree

| STREAM NAME       | HUC      | REACH | P_SEG | STATION | POLLUTANT | EPA JUSTIFICATION   |
|-------------------|----------|-------|-------|---------|-----------|---|
| Baron Fork        | 11110103 | -013  | 3J    | ARK07   | siltation | 1/17 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 1/36 samples ( $\leq 15\%$ ) exceed 19 NTU (all months); used Oct1998-Dec2001 data. Use Supported.  |
| Bayou Bartholomew | 8040205  | -012  | 2B    |         | siltation | EPA approved TMDL Jan. 13, 2003   |
| Bayou Bartholomew | 8040205  | -012  | 2B    |         | mercury   | EPA established TMDL Dec 18, 2002   |
| Bayou DeView      | 8020302  | -004  | 4B    | BDV02   | pathogens | 1/5 samples ( $\leq 25\%$ ) exceed the Primary Contact Use criterion of 400 FC/100ml; 0/9 samples ( $\leq 25\%$ ) exceed the Secondary Contact Use criterion 2000 FC/100 ml; data used Jun1994 -Oct1996. Use Supported.   |
| Bayou DeView      | 8020302  | -005  | 4B    |         | pathogens | Based on downstream Station BDV02: 1/5 samples ( $\leq 25\%$ ) exceed the Primary Contact Use criterion of 400 FC/100ml; 0/9 samples ( $\leq 25\%$ ) exceed the Secondary Contact Use criterion 2000 FC/100 ml; data used Jun1994 -Oct1996. Use Supported.  |
| Bayou DeView      | 8020302  | -006  | 4B    |         | pathogens | Insufficient data or other information for determination of listing   |
| Bayou DeView      | 8020302  | -007  | 4B    |         | pathogens | Insufficient data or other information for determination of listing   |
| Bayou Meto        | 8020402  | -003  | 3B    | ARK23   | siltation | 1/16 samples ( $\leq 25\%$ ) exceed 45 NTU (Jun-Oct), 4/38 samples ( $\leq 15\%$ ) exceed 84 NTU (all data), used Oct1998-Dec2001 data. Use Supported.  |
| Bayou Meto        | 8020402  | -001  | 3B    |         | siltation | Evaluated on downstream Station ARK23 which is supporting; therefore this 4.3 mi reach is also supporting.  |
| Bayou Two Prairie | 8020402  | -006  | 3B    | ARK97   | siltation | 1/17 samples ( $\leq 25\%$ ) exceed 45 NTU (Jun-Oct); 3/37 samples ( $\leq 15\%$ ) exceed 40 NTU (all months); used Oct 1998-Dec2001 data. Use Supported.   |
| Bayou Two Prairie | 8020402  | -006  | 3B    | ARK97   | nutrients | Data from Oct98-Dec01 (37 values) ranged from 0.09 to 7.06 mg/l total phosphorus with an average of 0.93 mg/l and median of 0.48 mg/l. Data is skewed by 3 outliers (3.69, 4.13 and 7.06 mg/l) and if removed, the range becomes 0.09 to 1.93 mg/l total phosphorus with an average of 0.57 mg/l and median of 0.42 mg/l. These values are not meaningfully different from Delta ecoregion reference stream values ranging from 0.10 to .41 mg/l total phosphorus with an average of 0.24 mg/l. EPA does not believe this stream is in violation of the Arkansas' narrative criterion for nutrients. Use Supported. |
| Beaty Creek       | 11070209 | -049  | 3J    |         | siltation | Insufficient data or other information for determination of listing   |
| Big Boy Creek     | 8020203  | -022  | 5A    |         | siltation | Insufficient data or other information for determination of listing   |
| Big Creek         | 8020203  | -011  | 5A    |         | siltation | Insufficient data or other information for determination of listing   |

Rationale for Not Listing Waters from Attachment A of the Consent Decree

|                 |          |      |    |        |           |   |
|-----------------|----------|------|----|--------|-----------|---|
| Black Fork      | 11110206 | -009 | 3E | BLF01  | siltation | OUMT & ARRV ER transition zone; applying ARRV turbidity criteria: 1/6 samples ( $\leq 25\%$ ) exceeds 21 NTU (Jun-Oct); 0/13 samples ( $\leq 15\%$ ) exceeds 40 NTU (all data). Use Supported.  |
| Boeuf River     | 8050001  | -019 | 2A |        | nutrients | On 2002 303(d) List   |
| Boeuf River     | 8050001  | -019 | 2A | BFR01  | siltation | On 2002 303(d) List   |
| Boggy Creek     | 8050002  | -009 | 2A |        | nutrients | Insufficient data or other information for determination of listing   |
| Boggy Creek     | 8050002  | -009 | 2A |        | siltation | Insufficient data or other information for determination of listing   |
| Brush Creek     | 11010001 | -033 | 4K |        | pathogens | Insufficient data or other information for determination of listing   |
| Brush Creek     | 11010001 | -033 | 4K |        | siltation | Insufficient data or other information for determination of listing   |
| Brushy Creek    | 8020205  | -006 | 5B |        | siltation | Insufficient data or other information for determination of listing   |
| Cache River     | 8020302  | -016 | 4B | WHI32  | pathogens | 1/5 samples ( $< 25\%$ ) exceed the Primary Contact Use criterion of 400 FC/100ml; 0/9 samples ( $< 25\%$ ) exceed the Secondary Contact Use criterion 2000 FC/100 ml; data used Jun1994 -Sep1996. Use Supported.   |
| Cache River     | 8020302  | -027 | 4B |        | pathogens | Insufficient data or other information for determination of listing   |
| Cache River     | 8020302  | -029 | 4B |        | pathogens | Insufficient data or other information for determination of listing   |
| Cache River     | 8020302  | -031 | 4B |        | pathogens | Insufficient data or other information for determination of listing   |
| Cache River     | 8020302  | -032 | 4B |        | pathogens | Insufficient data or other information for determination of listing   |
| Cadron Creek    | 11110205 | -011 | 3D | CCR01  | pathogens | 0/3 samples ( $\leq 25\%$ ) exceed the Primary Contact Use criterion of 400 FC/100ml; 0/6 samples ( $\leq 25\%$ ) exceed the Secondary Contact Use criterion 2000 FC/100 ml; data used Oct 1998-Aug1999. Use Supported.   |
| Cadron Creek    | 11110205 | -009 | 3D |        | pathogens | Insufficient data or other information for determination of listing   |
| Chickalah Creek | 11110204 | -002 | 3G | ARK58  | siltation | 2/17 samples ( $\leq 25\%$ ) exceed 21 NTU (Jun-Oct); 5/37 samples ( $\leq 15\%$ ) exceed 40 NTU (all months); used oct1998-Dec2001 data. Use Supported.  |
| Choctaw Bayou   | 8050001  | -021 | 2A | OUA181 | siltation | 2/2 samples exceed the 84 NTU criterion, based on a minimum sample size of 12, would need 3 exceedances to list as impaired. No samples were taken during the Jun-Oct period for assessment of the 45 NTU criterion. Used Jan01-Mar01 data. Insufficient data and information to make an impairment determination.  |
| Choctaw Bayou   | 8050001  | -021 | 2A | OUA181 | nutrients | Data from Jan01-Mar01 (2 values) ranged from 0.35 to 0.38 mg/l total phosphorus with an average of 0.37 mg/l. These values are not meaningfully different from Delta ecoregion reference stream values ranging from 0.10 to .41 mg/l total phosphorus with an average of 0.24 mg/l. EPA does not believe this stream is in violation of the Arkansas' narrative criterion for nutrients. Use Supported. |

Rationale for Not Listing Waters from Attachment A of the Consent Decree

|                  |          |      |    |            |           |   |
|------------------|----------|------|----|------------|-----------|---|
| Cincinnati Creek | 11110103 | -021 | 3J | ARK141     | siltation | 0/15 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 0/36 samples ( $\leq 15\%$ ) exceed 17 NTU (all months); used Oct1998-Dec2001 data. Use Supported.  |
| Clay Ditch       | 8050002  | -007 | 2A | OUA173     | siltation | 2/6 samples exceed the 84 NTU criterion, based on a minimum sample size of 12, would need 3 exceedances to list as impaired. 0/2 samples ( $\leq 25\%$ ) exceed the 45 NTU (Jun-Oct) criterion, based on a minimum sample size of 12 would need 4 exceedances to list as impaired. Used Nov00-Sep01 data. Use supported.  |
| Clay Ditch       | 8050002  | -007 | 2A | OUA173     | nutrients | Data from Nov00-Sep01 (6 values) ranged from 0.16 to 0.68 mg/l total phosphorus with an average of 0.34 mg/l. These values are not meaningfully different from Delta ecoregion reference stream values ranging from 0.10 to .41 mg/l total phosphorus with an average of 0.24 mg/l. EPA does not believe this stream is in violation of the Arkansas' narrative criterion for nutrients. Use Supported. |
| Clear Creek      | 11110103 | -029 | 3J | ARK10C     | siltation | 1/17 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 2/37 samples ( $\leq 15\%$ ) exceed 17 NTU (all months); used Oct1998-Dec2001 data. Use Supported.  |
| Cossatot R.      | 11140109 | -918 | 1C | RED22      | pathogens | 2/11 samples ( $\leq 25\%$ ) exceed the Primary contact use criterion of 400 FC/100 ml; 1/19 samples ( $\leq 25\%$ ) exceed the Secondary contact used criterion of 2000 FC/100 ml; used Jan 95-Sep97 data. Use Supported   |
| Cossatot River   | 11140109 | -019 | 1C |            | pathogens | Insufficient data or other information for determination of listing   |
| Crooked Creek    | 11010003 | -048 | 4I | WHI48A,B,C | siltation | 0/15 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 0/36 samples ( $\leq 15\%$ ) exceed 17 NTU (all months); used Oct1998-Dec2001 data. Use Supported.  |
| Cypress Bayou    | 8020301  | -010 | 4D | CPB01      | pathogens | 1/6 samples ( $\leq 25\%$ ) exceed the Primary Contact Use criterion of 400 FC/100ml; 0/10 samples ( $\leq 25\%$ ) exceed the Secondary Contact Use criterion of 2000 FC/100 ml; data used Jun 1994 - Oct 1996. Use Supported.  |
| Cypress Bayou    | 8020301  | -011 | 4D |            | metals    | Based on downstream Station CPB01: Insufficient data (1 value) or other information for determination of listing. Use Supported.  |
| Cypress Bayou    | 8020301  | -011 | 4D |            | pathogens | Evaluated on Station CPB01 on reach 10 which is meeting the pathogen data, this reach is likewise supporting.   |
| Cypress Bayou    | 8020301  | -010 | 4D | CPB01      | metals    | Insufficient data (1 value below criterion) or other information for determination of listing. Use Supported  |

Rationale for Not Listing Waters from Attachment A of the Consent Decree

|                    |          |      |    |        |           |   |
|--------------------|----------|------|----|--------|-----------|---|
| Cypress Creek      | 8050001  | -020 | 2A | OUA180 | siltation | 2/4 samples exceed the 84 NTU criterion, based on a minimum sample size of 12, would need 3 exceedances to list as impaired. 0/2 samples exceed the 45 NTU (Jun-Oct) criterion, based on a minimum sample size of 12 would need 4 exceedances to list as impaired. Used Jan01-Sep01 data. Insufficient data and information to make an impairment determination.  |
| Cypress Creek      | 8050001  | -020 | 2A | OUA180 | nutrients | Data from Jan01-Sep01 (4 values) ranged from 0.12 to 0.53 mg/l total phosphorus with an average of 0.31 mg/l. These values are not meaningfully different from Delta ecoregion reference stream values ranging from 0.10 to .41 mg/l total phosphorus with an average of 0.24 mg/l. EPA does not believe this stream is in violation of the Arkansas' narrative criterion for nutrients. Use Supported. |
| Deep Bayou         | 8040205  | -005 | 2B | OUA151 | siltation | EPA approved TMDL Jan. 13, 2003   |
| Ditch Bayou        | 8050002  | -004 | 2A | OUA172 | siltation | 0/6 samples ( $\leq 15\%$ ) exceed the 84 NTU criterion. Based on a minimum sample size of 12, would need 3 exceedances to list as impaired. 0/2 samples ( $\leq 25\%$ ) exceed the 45 NTU (Jun-Oct) criterion, based on a minimum sample size of 12 would need 5 exceedances to list as impaired. Used Nov00-Sep01 data. Use Supported.  |
| Ditch Bayou        | 8050002  | -004 | 2A | OUA172 | nutrients | Data from Nov00-Sep01 (6 values) ranged from 0.06 to 0.12 mg/l total phosphorus with an average of 0.09 mg/l. These values are not meaningfully different from Delta ecoregion reference stream values ranging from 0.10 to .41 mg/l total phosphorus with an average of 0.24 mg/l. EPA does not believe this stream is in violation of the Arkansas' narrative criterion for nutrients. Use Supported. |
| Dry Creek          | 11010001 | -055 | 4K |        | pathogens | Insufficient data or other information for determination of listing   |
| E. Fork Cadron     | 11110205 | -002 | 3D | EFC01  | pathogens | 0/3 samples ( $\leq 25\%$ ) exceed the Primary Contact Use criterion of 400 FC/100ml; 0/5 samples ( $\leq 25\%$ ) exceed the Secondary Contact Use criterion of 2000 FC/100 ml; data used Oct1998-Aug1999. Use Supported.   |
| E. Fork Cadron     | 11110205 | -003 | 3D |        | pathogens | Evaluated on the upstream station (EFC02) on reach 005 and downstream station (EFC01) on reach 002 neither of which exceed the bacteria criteria for impairment. Use Supported.   |
| Eightmile Ditch    | 8020203  | -018 | 5A |        | siltation | Insufficient data or other information for determination of listing   |
| Eightmile Ditch    | 8020203  | -019 | 5A |        | siltation | Insufficient data or other information for determination of listing   |
| Eleven Point Creek | 11010011 | -001 | 4H | WHI05B | siltation | 0/17 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 2/38 samples ( $\leq 15\%$ ) exceed 17 NTU (all months); used Oct1998-Dec2001 data. Use Supported.  |



Rationale for Not Listing Waters from Attachment A of the Consent Decree

|                    |          |      |    |        |           |  |
|--------------------|----------|------|----|--------|-----------|--|
| Evansville Cr.     | 11110103 | -012 | 3J |        | pathogens | Insufficient data or other information for determination of listing  |
| Evansville Creek   | 11110103 | -012 | 3J |        | siltation | Insufficient data or other information for determination of listing  |
| Fifteen Mile Bayou | 8020203  | -006 | 5A | FRA028 | siltation | 2/6 samples exceed the 84 NTU criterion, based on a minimum sample size of 12, would need 3 exceedances to list as impaired. 0/2 samples ( $\leq 25\%$ ) exceed the 45 NTU (Jun-Oct) criterion, based on a minimum sample size of 12 would need 4 exceedances to list as impaired. Used Nov00-Sep01 data. Based on available data an information, use supported.   |
| First Creek        | 8020205  | -007 | 5B | FRA30  | siltation | 0/6 samples ( $\leq 15\%$ ) exceed the 84 NTU criterion. Based on a minimum sample size of 12, would need 3 exceedances to list as impaired. 0/2 samples ( $\leq 25\%$ ) exceed the 45 NTU (Jun-Oct) standard. Based on a minimum sample size of 12 would need 5 exceedances to list as impaired. Used Nov00-Sep01 data. Use Supported.  |
| Fourche LaFave     | 11110206 | -006 | 3E |        | siltation | OUMT & ARRV ER transition zone: evaluated on upstream Stations ARK037 and ARK037A combined data , applying ARRV turbidity criteria: 1/12 samples ( $\leq 25\%$ ) exceeds 21 NTU (Jun-Oct); 1/33 samples ( $\leq 15\%$ ) exceeds 40 NTU (all data); used Oct1998-Dec2001 data and trib Station GAF01 all of which are supporting based on ARRV ER turbidity criteria. Use Supported.  |
| Fourche LaFave     | 11110206 | -001 | 3E |        | siltation | OUMT & ARRV ER transition zone: evaluated on downstream Station ARK036 data: 1/3 samples ( $\leq 25\%$ ) exceeds 21 NTU (Jun-Oct); based on minimum sample size of 12 would need 4 exceedances to list as impaired; 1/5 samples ( $\leq 15\%$ ) exceeds 40 NTU (all data); based on minimum sample size of 12 would need 3 exceedances to list as impaired; used Oct1998-Aug1999 data. Insufficient data and information available to make impairment determination. |
| Frenchmans Bayou   | 8020203  | -004 | 5A |        | siltation | Insufficient data or other information for determination of listing  |
| Frog Bayou         | 11110201 | -018 | 3H | ARK47  | pathogens | 0/3 samples ( $\leq 25\%$ ) exceed the Primary Contact Use criterion of 400 FC/100ml; 0/5 samples ( $\leq 25\%$ ) exceed the Secondary Contact Use criterion of 2000 FC/100 ml; data used Oct1998-Aug1999. Use Supported.  |
| Frog Bayou         | 11110201 | -018 | 3H | ARK47  | siltation | 0/5 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 1/5 samples ( $\leq 15\%$ ) exceed 19 NTU (all months); used Oct1998-Aug1999 data. Use Supported.   |

Rationale for Not Listing Waters from Attachment A of the Consent Decree

|                   |          |      |    |        |           |  |
|-------------------|----------|------|----|--------|-----------|--|
| Gafford Creek     | 11110206 | -012 | 3E | GAF01  | siltation | OUMT & ARRV ER transition zone; applying ARRV turbidity criteria: 1/7 samples ( $\leq 25\%$ ) exceeds 21 NTU (Jun-Oct); 0/13 samples ( $\leq 15\%$ ) exceeds 40 NTU (all data); used May1994-Aug1999 data. Based on limited data and information, use supported. |
| Illinois River    | 11110103 | -024 | 3J | ARK40  | siltation | 1/16 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 5/37 samples ( $\leq 15\%$ ) exceed 17 NTU (all months); used Oct1998-Dec2001 data. Use supported.   |
| Illinois River    | 11110103 | -020 | 3J | ARK06  | siltation | 1/17 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 5/36 samples ( $\leq 15\%$ ) exceed 17 NTU (all months); used Oct1998-Dec2001 data   |
| Illinois River    | 11110103 | -028 | 3J | ILL01  | siltation | Based on downstream Station ARK40: 1/16 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 5/37 samples ( $\leq 15\%$ ) exceed 17 NTU (all months); used Oct1998-Dec2001 data. Use Supported.  |
| Illinois River    | 11110103 | -023 | 3J |        | siltation | Based on upstream Station ARK40: 1/16 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 5/37 samples ( $\leq 15\%$ ) exceed 17 NTU (all months); used Oct1998-Dec2001 data. Use Supported.  |
| Illinois River    | 11110103 | -022 | 3J | ARK06A | siltation | Insufficient. data for Station ARK06A, therefore based decision on downstream station ARK06: 1/17 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 5/36 samples ( $\leq 15\%$ ) exceed 17 NTU (all months); used Oct1998-Dec2001 data. Use Supported.            |
| James Fork        | 11110105 | -033 | 3I | ARK15  | siltation | 1/11 samples ( $\leq 25\%$ ) exceed 21 NTU (Jun-Oct); 1/33 samples ( $\leq 15\%$ ) exceed 40 NTU (all months); used Oct1998-Dec2001 data. Use Supported.   |
| Kings River       | 11010001 | -008 |    |        | siltation | No such reach exists   |
| L. Missouri River | 8040103  | -008 | 2G | OUA35  | siltation | 1/16 samples ( $\leq 25\%$ ) exceed 21 NTU (Jun-Oct); 3/36 samples ( $\leq 15\%$ ) exceed 32 NTU (all months); used Oct1998-Dec2001 data. Use Supported.   |
| La Grue Bayou     | 8020303  | -006 | 4A | LGB02  | siltation | 2/6 samples exceed 45 NTU (Jun-Oct). Based on a minimum sample size of 12 would need 5 exceedances to list as impaired; 1/16 samples ( $\leq 15\%$ ) exceed 84 NTU, used Jun1994-Sep2001 data. Based on available data and information, use supported.           |
| Little River      | 8020204  | -002 | 5C |        | siltation | Insufficient data or other information for determination of listing  |
| Little River      | 8020204  | -004 | 5C |        | siltation | Insufficient data or other information for determination of listing  |

Rationale for Not Listing Waters from Attachment A of the Consent Decree

|                    |          |      |    |        |           |   |
|--------------------|----------|------|----|--------|-----------|---|
| Little River Left  | 8020204  | -001 | 5C | FRA37  | siltation | 2/6 samples exceed the 100 NTU criterion, based on a minimum sample size of 12, would need 3 exceedances to list as impaired. 0/2 samples ( $\leq 25\%$ ) exceed the 75 NTU (Jun-Oct) criterion, based on a minimum sample size of 12 would need 4 exceedances to list as impaired. Used Nov00-Sep01 data. Based on available data and information, use supported.                                      |
| Little River Right | 8020204  | -005 | 5C | FRA38  | siltation | 1/6 samples ( $\leq 15\%$ ) exceed the 100 NTU criterion. Based on a minimum sample size of 12, would need 3 exceedances to list as impaired. 0/2 samples ( $\leq 25\%$ ) exceed the 75 NTU (Jun-Oct) criterion, based on a minimum sample size of 12 would need 4 exceedances to list as impaired. Used Nov00-Sep01 data. Based on limited data and information, use supporting.                       |
| Little Sugar       | 11070208 | -003 | 3J |        | nutrients | Insufficient data or other information for determination of listing   |
| Little Sugar       | 11070208 | -003 | 3J |        | siltation | Insufficient data or other information for determination of listing   |
| Long Creek         | 11010001 | -054 | 4K | WHI71  | pathogens | 1/6 samples ( $\leq 25\%$ ) exceed the Primary Contact Use criterion of 400 FC/100ml; 0/6 samples ( $\leq 25\%$ ) exceed the Secondary Contact Use criterion of 2000 FC/100 ml; data used Apr1999-Sep1999. Use Supported.   |
| Long Creek         | 11010001 | -056 | 4K |        | pathogens | Evaluated on downstream Station WHI71 which is in support.  |
| Long Creek         | 11010001 | -057 | 4K |        | pathogens | Evaluated on downstream Station WHI71 which is in support.  |
| Long Creek         | 11010001 | -056 | 4K |        | siltation | Insufficient data or other information for determination of listing   |
| Long Creek         | 11010001 | -057 | 4K |        | siltation | Insufficient data or other information for determination of listing   |
| Macon Bayou        | 8050002  | -006 | 2A | BYM01  | nutrients | Data from Nov00-Sep01 (6 values) ranged from 0.14 to 0.56 mg/l total phosphorus with an average of 0.31 mg/l. These values are not meaningfully different from Delta ecoregion reference stream values ranging from 0.10 to .41 mg/l total phosphorus with an average of 0.24 mg/l. EPA does not believe this stream is in violation of the Arkansas' narrative criterion for nutrients. Use Supported. |
| Macon Bayou        | 8050002  | -006 | 2A | BYM01  | siltation | On 2002 303(d) List   |
| Middle Fork        | 11010001 | -026 | 4K | WHI103 | siltation | 0/16 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 3/37 samples ( $\leq 15\%$ ) exceed 17 NTU (all months); used Oct1998-Dec2001 data. Use Supported.  |
| Middle Fork        | 11010014 | -027 | 4E | WHI43  | siltation | 1/16 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 1/36 samples ( $\leq 15\%$ ) exceed 19 NTU (all months); used Oct1998-Dec2001 data. Use Supported.  |

Rationale for Not Listing Waters from Attachment A of the Consent Decree

|                   |          |      |    |         |           |   |
|-------------------|----------|------|----|---------|-----------|---|
| Middle Fork       | 11010014 | -028 | 4E |         | siltation | Based on downstream Station WHI43: 1/16 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 1/36 samples ( $\leq 15\%$ ) exceed 19 NTU (all months); used Oct1998-Dec2001 data. Use Supported.   |
| Mississippi River | 8010100  | -004 | 6  |         | siltation | Insufficient data or other information for determination of listing   |
| Moore's Creek     | 11110103 | -026 | 3J |         | siltation | Insufficient data or other information for determination of listing   |
| Mountain Fork     | 11140108 | -014 | 1D | RED01   | siltation | 2/16 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 4/38 samples ( $\leq 15\%$ ) exceed 18 NTU (all months); used Oct1998-Dec2001 data. Use Supported.  |
| Muddy Fork        | 11110103 | -027 | 3J | MFI02B+ | siltation | Based on MFI02B: 1/3 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); based on minimum sample size of 12, would need 4 exceedances to list as impaired; 1/7 samples ( $\leq 15\%$ ) exceed 17 NTU (all months). Based on minimum sample size of 12 would need 3 exceedances to list as impaired; used May1995-Jun1996 data. Insufficient data and information available to make impairment determination. |
| Muddy Fork.       | 11110103 | -025 | 3J | MFI04+  | siltation | Based on MFI04: 1/3 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); based on minimum sample size of 12, would need 5 exceedances to list as impaired; 1/7 samples ( $\leq 15\%$ ) exceed 17 NTU (all months). Based on minimum sample size of 12 would need 3 exceedances to list as impaired; used May1995-Jun1996 data. Insufficient data and information available to make impairment determination.  |
| Mulberry River    | 11110201 | -006 | 3H | ARK42   | siltation | 0/10 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 1/31 samples ( $\leq 15\%$ ) exceed 19 NTU (all months); used Oct1998-Dec2001 data. Use Supported.  |
| Oak Log Creek     | 8050002  | -010 | 2A | OUA179  | siltation | 2/6 samples exceed the 84 NTU criterion, based on a minimum sample size of 12, would need 3 exceedances to list as impaired. 0/2 samples ( $< 25\%$ ) exceed the 45 NTU (Jun-Oct) criterion, based on a minimum sample size of 12 would need 4 exceedances to list as impaired. Used Nov00-Sep01 data. Based on available data and information, use supported.  |
| Oak Log Creek     | 8050002  | -010 | 2A | OUA179  | nutrients | Data from Nov00-Sep01 (6 values) ranged from 0.18 to 0.5 mg/l total phosphorus with an average of 0.31 mg/l. These values are not meaningfully different from Delta ecoregion reference stream values ranging from 0.10 to .41 mg/l total phosphorus with an average of 0.24 mg/l. EPA does not believe this stream is in violation of the Arkansas' narrative criterion for nutrients. Use Supported.    |

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|                  |          |      |    |        |           |  |
|------------------|----------|------|----|--------|-----------|--|
| Osage Creek      | 11010001 | -045 | 4K | WHI069 | siltation | 0/14 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 0/30 samples ( $\leq 15\%$ ) exceed 17 NTU (all months); used Oct1998-Dec2001 data. Use Supported.   |
| Osage Creek      | 11010001 | -047 | 4K |        | siltation | Based on downstream Station WHI68: 0/16 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 1/37 samples ( $\leq 15\%$ ) exceed 17 NTU (all months); used Oct1998-Dec2001 data. Use Supported.  |
| Ouachita River   | 8040101  | -033 | 2F | OUA21  | pathogens | 1/11 samples ( $\leq 25\%$ ) exceed the Primary Contact Use criterion of 400 FC/100ml; 1/19 samples ( $\leq 25\%$ ) exceed the Secondary Contact Use criterion of 2000 FC/100 ml; data used Jan1995-SEP1997. Use Supported.  |
| Overflow Creek   | 11010014 | -006 | 4E | OFC01  | siltation | 2/6 samples exceed 45 NTU (Jun-Oct). Based on a minimum sample size of 12 would need 4 exceedances to list as impaired; 1/10 samples ( $\leq 15\%$ ) exceed 84 NTU (all months); based on a minimum samples size of 12 would need 3 exceedances to list as impaired; used Jun1993-Oct2001 data. Based on available data and information, use supported.  |
| Overflow Creek   | 11010014 | -004 | 4E |        | siltation | Based on upstream Station WHI59 (reach 007): 0/15 samples ( $\leq 25\%$ ) exceed 21 NTU (Jun-Oct); 2/37 samples ( $\leq 15\%$ ) exceed 40 NTU (all months); and also based on upstream Station OFC01 (reach 006): 2/6 samples ( $\leq 25\%$ ) exceed 45 NTU (Jun-Oct); based on a minimum sample size of 12, would need 4 exceedances to list as impaired; 1/10 samples ( $\leq 15\%$ ) exceed 84 NTU (all months); based on a minimum samples size of 12, would need 3 exceedances to list as impaired; used Jun1993-Oct2001 data. Use Supported. |
| Pemiscot Bayou   | 8020204  | -003 | 5C |        | siltation | Insufficient data or other information for determination of listing  |
| Petit Jean River | 11110204 | -011 | 3G | ARK34  | siltation | 1/9 samples ( $\leq 25\%$ ) exceed 21 NTU (Jun-Oct); based on minimum sample size of 12 would need 5 exceedances to list as impaired; 2/28 samples ( $\leq 15\%$ ) exceed 40 NTU; determination used Oct1998-Dec2001 data. Based on limited data and information, use supported.   |
| Petit Jean River | 11110204 | -005 | 3G | PJR03  | siltation | 3/7 samples exceed 21 NTU (Jun-Oct). Based on a minimum sample size of 12 would need 4 exceedances to list as impaired; 2/10 samples ( $\leq 15\%$ ) exceed 40 NTU; based on a minimum sample size of 12 would need 3 exceedances to list as impaired; Used May1994-Aug1999 data. Based on available data and information, use supported.  |

# Rationale for Not Listing Waters from Attachment A of the Consent Decree

|                  |          |      |    |        |           |   |
|------------------|----------|------|----|--------|-----------|---|
| Petit Jean River | 11110204 | -006 | 3G | PJR02  | siltation | 3/7 samples exceed 21 NTU (Jun-Oct); based on a minimum sample size of 12 would need 4 exceedances to list as impaired; 1/9 samples ( $\leq 15\%$ ) exceed 40 NTU; based on minimum sample size of 12 would need 3 exceedances to list as impaired; used May1994-Aug1999 data. Based on available data and information, use supported.            |
| Petit Jean River | 11110204 | -003 | 3G |        | siltation | Evaluated on downstream Station PJR03: 3/7 samples ( $< 25\%$ ) exceed 21 NTU (Jun-Oct); based on a minimum sample size of 12 would need 5 exceedances to list as impaired; 2/10 samples ( $< 15\%$ ) exceed 40 NTU; based on a minimum sample size of 12 would need 3 exceedances to list as impaired; Used May1994-Aug1999 data. Use Supported. |
| Piney Creek      | 11110202 | -019 | 3H | ARK43  | siltation | 0/16 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 1/36 samples ( $\leq 15\%$ ) exceed 19 NTU (all months); used Oct1998-Dec2001 data. Use Supported.  |
| Piney Creek      | 11110202 | -021 | 3H |        | siltation | Based on downstream Station ARK43 data, reach 021 is not impaired. Use Supported.   |
| Piney Creek      | 11110202 | -018 | 3H |        | siltation | Based on upstream Station ARK43: 0/16 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 1/36 samples ( $\leq 15\%$ ) exceed 19 NTU (all months); used Oct1998-Dec2001 data. Use Supported.   |
| Piney Creek      | 11110202 | -023 | 3H |        | siltation | Based on upstream Station ARK43: 0/16 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 1/36 samples ( $\leq 15\%$ ) exceed 19 NTU (all months); used Oct1998-Dec2001 data. Use Supported.   |
| Poteau River     | 11110105 | -027 | 3I | USGS   | pathogens | 1/9 samples ( $\leq 25\%$ ) exceed the Primary Contact Use criterion of 400 FC/100ml; 1/18 samples ( $\leq 25\%$ ) exceed the Secondary Contact Use criterion of 2000 FC/100 ml; data used Oct1998-Aug2001. Use Supported.  |
| Poteau River     | 11110105 | -027 | 3I | USGS   | siltation | USGS does not collect turbidity data. Insufficient data or other information for determination of listing   |
| Red Fork Creek   | 8050002  | -008 | 2A | OJA177 | siltation | 1/2 samples ( $\leq 15\%$ ) exceed the 84 NTU criterion. Based on a minimum sample size of 12, would need 3 exceedances to list as impaired. No samples were taken during the Jun-Oct period for assessment of the 45 NTU criterion. Used Jan01-Mar01 data. Insufficient data or information to make an assessment.                               |

Rationale for Not Listing Waters from Attachment A of the Consent Decree

|                 |          |      |    |          |           |   |
|-----------------|----------|------|----|----------|-----------|---|
| Red Fork Creek  | 8050002  | -008 | 2A | OUA177   | nutrients | Data from Jan01-Mar01 (2 values) ranged from 0.33 to 0.38 mg/l total phosphorus with an average of 0.35 mg/l. These values are not meaningfully different from Delta ecoregion reference stream values ranging from 0.10 to .41 mg/l total phosphorus with an average of 0.24 mg/l. EPA does not believe this stream is in violation of the Arkansas' narrative criterion for nutrients. Use Supported. |
| Richland Creek  | 11010001 | -030 | 4K |          | siltation | Insufficient data or other information for determination of listing   |
| Rolling Fork    | 11140109 | -24  | 1C |          | nutrients | Insufficient data or other information for determination of listing   |
| Rolling Fork    | 11140109 | -027 | 1C |          | nutrients | Insufficient data or other information for determination of listing   |
| Rolling Fork    | 11140109 | -028 | 1C | RED30&58 | nutrients | Portion of this segment re-numbered as reach 919 and is on the 2002 303(d) list for TP and NO3  |
| S.FourcheLaFave | 11110206 | -013 | 3E |          | siltation | OUMT & ARRV transition zone: applied ARRV turbidity criteria; evaluated on upstream Station ARK52: 1/17 samples ( $\leq 25\%$ ) exceed 21 NTU (Jun-Oct); 1/37 samples ( $\leq 15\%$ ) exceed 40 NTU, used Oct1998-Dec2001 data and downstream Station ARK36: 1/3 samples ( $\leq 25\%$ ) exceed 21 NTU (Jun-Oct); 1/5 samples ( $\leq 15\%$ ) exceed 40 NTU; used Oct1998-Aug1999 data. Use Supported.  |
| S.FourcheLaFave | 11110206 | -014 | 3E | ARK52    | siltation | OUMT & ARRV transition zone: applying ARRV turbidity criteria; 1/17 samples ( $\leq 25\%$ ) exceed 21 NTU (Jun-Oct); 1/37 samples ( $\leq 15\%$ ) exceed 40 NTU, used Oct1998-Dec2001 data. Use Supported.  |
| Saline River    | 11140109 | -014 | 1C | RED32    | pathogens | 3/12 samples ( $\leq 25\%$ ) exceed the Primary contact use criterion of 400 col/100 ml; 0/19 samples ( $\leq 25\%$ ) exceed the Secondary contact use criterion of 2000 FC/100 ml; used Jan1995-Sep1977 data. Use Supported.   |
| Second Creek    | 8020205  | -008 | 5B | FRA12+   | siltation | 0/16 samples ( $\leq 25\%$ ) exceed 45 NTU (Jun-Oct); 1/37 samples ( $\leq 15\%$ ) exceed 84 NTU, used Oct1998-Dec2001 data. Use Supported.   |
| Smackover Creek | 8040201  | -006 | 2D | OUA27    | minerals  | 0/38 samples ( $\leq 50\%$ ) exceeded 250 mg/l Cl; 0/37 samples ( $\leq 50\%$ ) exceeded 30 mg/l SO4; 1/37 samples ( $\leq 50\%$ ) exceeded 500 mg/l TDS for ecoregion values; for drinking water criterions: 0/38 and 0/27 samples ( $\leq 10\%$ ) exceeded 250 mg/l Cl and 250 mg/l SO4 and 1/37 samples ( $\leq 10\%$ ) exceeded the 500 mg/l TDS; used Oct1998-Dec2001 data. Use Supported.         |

Rationale for Not Listing Waters from Attachment A of the Consent Decree

|                   |          |      |    |       |           |   |
|-------------------|----------|------|----|-------|-----------|---|
| Smackover Creek   | 8040201  | -007 | 2D |       | minerals  | Based on downstream Station OUA27: 0/38 samples ( $\leq 50\%$ ) exceeded 250 mg/l Cl; 0/37 samples ( $\leq 50\%$ ) exceeded 30 mg/l SO <sub>4</sub> ; 1/37 samples ( $\leq 50\%$ ) exceeded 500 mg/l TDS for ecoregion values; for drinking water criterions: 0/38 and 0/27 samples ( $\leq 10\%$ ) exceeded 250 mg/l Cl and 250 mg/l SO <sub>4</sub> and 1/37 samples ( $\leq 10\%$ ) exceeded the 500 mg/l TDS; used Oct1998-Dec2001 data. Use Supported. |
| Spring River      | 11010010 | -003 | 4H | WHI21 | siltation | 0/16 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 1/38 samples ( $\leq 15\%$ ) exceed 17 NTU, used Oct1998-Dec2001 data. Use Supported.   |
| Spring River      | 11010010 | -018 | 4H |       | siltation | Based on upstream Station WHI21(reach 003): 0/16 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 1/38 samples ( $\leq 15\%$ ) exceed 17 NTU (all months); used Oct1998-Dec2001 data and also based on upstream Station JNC01 (upstream trib): 0/6 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 0/10 samples ( $\leq 15\%$ ) exceed 17 NTU (all months); used Jun1994-Oct2001 data. Use Supported.  |
| St. Francis River | 8020203  | -008 | 5A | FRA13 | siltation | 0/16 samples ( $\leq 25\%$ ) exceeded the criterion of 75 NTU (Jun-Oct), 2/38 samples ( $\leq 15\%$ ) exceeded the criterion of 100 NTU; based on specific turbidity criteria for the St. Francis River; used Oct1998 - Dec2001 data. Use Supported.  |
| St. Francis River | 8020203  | -014 | 5A | FRA08 | siltation | 2/16 samples ( $\leq 25\%$ ) exceed 45 NTU (Jun-Oct); 2/38 samples ( $\leq 15\%$ ) exceed 84 NTU, used Oct1998-Dec2001 data. Use Supported.   |
| St. Francis River | 8020203  | -015 | 5A |       | siltation | Based on downstream Station FRA08: 2/16 samples ( $\leq 25\%$ ) exceed 45 NTU (Jun-Oct); 2/38 samples ( $\leq 15\%$ ) exceed 84 NTU, used Oct1998-Dec2001 data. Use Supported.  |
| St. Francis River | 8020203  | -009 | 5A |       | siltation | Based on downstream station FRA13: 0/16 samples ( $\leq 25\%$ ) exceeded the criterion of 75 NTU (Jun-Oct), 2/38 samples ( $\leq 15\%$ ) exceeded the criterion of 100 NTU; based on specific turbidity criteria for the St. Francis River; used Oct1998 - Dec2001 data. Use Supported.   |
| St. Francis River | 8020203  | -002 | 5A |       | siltation | Based on upstream station FRA13: 0/16 samples ( $\leq 25\%$ ) exceeded the criterion of 75 NTU (Jun-Oct), 2/38 samples ( $\leq 15\%$ ) exceeded the criterion of 100 NTU; based on specific turbidity criteria for the St. Francis River; used Oct1998 - Dec2001 data. Use Supported.   |
| St. Francis River | 8020203  | -009 | 5A |       | pathogens | Insufficient data or other information for determination of listing   |
| St. Francis River | 8020203  | -013 | 5A |       | siltation | Insufficient data or other information for determination of listing   |



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|                  |          |      |    |         |           |  |
|------------------|----------|------|----|---------|-----------|--|
| Strawberry River | 11010012 | -009 | 4G | SBR02   | pathogens | 1/5 samples ( $\leq 25\%$ ) exceed the Primary Contact Use criterion of 400 FC/100ml; 0/9 samples ( $\leq 25\%$ ) exceed the Secondary Contact Use criterion of 2000 FC/100 ml; data used Jun1991-Oct1996. Use Supported.  |
| Strawberry River | 11010012 | -002 | 4G | SBR03   | pathogens | 1/5 samples ( $\leq 25\%$ ) exceed the Primary Contact Use criterion of 400 FC/100ml; 0/9 samples ( $\leq 25\%$ ) exceed the Secondary Contact Use criterion of 2000 FC/100 ml; data used Jun1994-Oct1996. Use Supported.  |
| Strawberry River | 11010012 | -004 | 4G |         | siltation | On 2002 303(d) List  |
| Strawberry River | 11010012 | -005 | 4G |         | siltation | On 2002 303(d) List  |
| Strawberry River | 11010012 | -001 | 4G |         | siltation | TMDL in progress   |
| Tyronza River    | 8020203  | -010 | 5A | FRA32   | siltation | 2/6 samples exceed the 100 NTU criterion, based on a minimum sample size of 12, would need 3 exceedances to list as impaired. 0/2 samples ( $\leq 25\%$ ) exceed the 75 NTU (Jun-Oct) criterion, based on a minimum sample size of 12 would need 4 exceedances to list as impaired. Used Nov00-Sep01 data. Based on available data and information, use supported. |
| Tyronza River    | 8020203  | -012 | 5A | FRA33   | siltation | 2/6 samples exceed the 84 NTU criterion. Based on a minimum sample size of 12, would need 3 exceedances to list as impaired. 0/2 samples ( $\leq 25\%$ ) exceed the 45 NTU (Jun-Oct) criterion, based on a minimum sample size of 12 would need 4 exceedances to list as impaired. Used Nov00-Sep01 data. Based on available data and information, use supported.  |
| Village Creek    | 11010013 | -006 | 4C | VGC01&3 | pathogens | 2/10 samples ( $\leq 25\%$ ) exceed the Primary Contact Use criterion of 400 FC/100ml; 2/18 samples ( $\leq 25\%$ ) exceed the Secondary Contact Use criterion of 2000 FC/100 ml; data used Jun1994-Oct1996. Use Supported.  |
| Wabbaseka Bayou  | 8020401  | -003 | 3A | WSB01   | pathogens | 2/7 samples exceed the Primary Contact Use criterion of 400 FC/100ml; 0/8 samples ( $\leq 25\%$ ) exceed the Secondary Contact Use criterion of 2000 FC/100 ml; data used Apr1998-Oct1998. Use Supported.  |
| War Eagle Creek  | 11010001 | -034 | 4K | WHI116  | siltation | 1/16 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 5/37 samples ( $\leq 15\%$ ) exceed 17 NTU, used Oct1998-Dec2001 data. Use Supported.  |
| War Eagle Creek  | 11010001 | -035 | 4K |         | siltation | Based on downstream Station WHI16 (reach 034): 1/16 samples ( $\leq 25\%$ ) exceed 10 NTU (Jun-Oct); 5/37 samples ( $\leq 15\%$ ) exceed 17 NTU, used Oct1998-Dec2001 data. Use Supported.   |
| War Eagle Creek  | 11010001 | -060 | 4K |         | pathogens | Insufficient data or other information for determination of listing  |

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|                 |          |      |    |       |           |   |
|-----------------|----------|------|----|-------|-----------|---|
| War Eagle Creek | 11010001 | -060 | 4K |       | siltation | Insufficient data or other information for determination of listing   |
| Wattensaw Bayou | 8020301  | -015 | 4D | WHI72 | siltation | 0/17 samples ( $\leq 25\%$ ) exceed 45 NTU (Jun-Oct); 1/37 samples ( $\leq 15\%$ ) exceed 84 NTU, used Oct1998-Dec2001 data. Use Supported. |
| Whiteness Creek | 8020203  | -021 | 5A |       | siltation | Insufficient data or other information for determination of listing   |
| Whiteness Creek | 8020203  | -023 | 5A |       | siltation | Insufficient data or other information for determination of listing   |
| Yocum Creek     | 11010001 | -052 | 4K |       | pathogens | Insufficient data or other information for determination of listing   |

Rationale for Not Listing Waters from Attachment B of Consent Decree

| Lake            | HUC      | Pollutant | EPA Justification   |
|-----------------|----------|-----------|---|
| Bear Creek      | 8020205  | turbidity | Data from 1989, 1994 and 1999 indicates no violations of the turbidity criteria of 25 NTU. All samples collected had concentrations at or below 14 NTU. Use Supported.  |
| Beaver          | 11010001 | Nutrients | All samples collected for 1989, 1994 and 1999 had concentrations at or below 0.08 mg/l total phosphorus, 0.53 ug/l Chlorophyll a, pH 8.79, and 8.0 mg/l dissolved oxygen. EPA does not believe this lake is in violation of the Arkansas narrative criterion for nutrients. Use Supported.      |
| Big Johnson     | 8040204  | Mercury   | On 2002 303(d) list   |
| Cane Creek      | 8040205  | Bacteria  | Current data (1999) indicates no violations in standards. All samples collected had concentrations at or below 4 col/100 ml. Use Supported  |
| Charles         | 11010009 | Bacteria  | Current data (1999) indicates no violations in standards. All samples collected had concentrations at or below 6 col/100 ml. Use Supported  |
| Columbia        | 11140203 | Mercury   | On 2002 303(d) list   |
| Dupree          | 8020402  | Mercury   | There are no current fish consumption advisories related to mercury on this waterbody. Use Supported.   |
| Fayetteville    | 11110103 | Nutrients | All samples collected for 1989, 1994 and 1999 had concentrations at or below 0.09 mg/l total phosphorus, 17.9 chlorophyll a, pH 8.36 and 6.82 mg/l dissolved oxygen. EPA does not believe this lake is in violation of the Arkansas narrative criterion for nutrients. Use Supported.           |
| Felsenthal      | 8040202  | Bacteria  | Current data (1999) indicates no violations in standards. All samples collected had concentrations at or below 5 col/100 ml.  |
| First Old River | 11140106 | turbidity | Data from 1989 and 1994 indicates no violations of the turbidity criteria of 25 NTU. All samples collected had concentrations at or below 12 NTU. Turbidity concentrations were not reported in 1999. Use Supported.  |
| Frierson        | 8020302  | nutrients | All samples collected for 1989, 1994 and 1999 had concentrations at or below 0.17 mg/l total phosphorus, 30 ug/l chlorophyll a, pH 6.87 and 5.4 mg/l dissolved oxygen. EPA does not believe this lake is in violation of the Arkansas narrative criterion for nutrients. Use Supported.         |
| Frierson        | 8020302  | Bacteria  | Current data (1999) indicates no violations in standards. All samples collected had concentrations at or below 43 col/100 ml. Use Supported.  |
| Grand           | 8050002  | turbidity | Data from 1989 and 1994 indicates no violations of the turbidity criteria of 25 NTU. All samples collected had concentrations at or below 15 NTU. Turbidity concentrations were not reported in 1999. Use Supported.  |
| Grand           | 8050002  | Bacteria  | Current data (1999) indicates no violations in standards. All samples collected had concentrations at or below 23 col/100 ml. Use Supported.  |
| Grays           | Grays    | Mercury   | On 2002 303(d) list   |
| Greenlee        | 8020304  | nutrients | All data collected for 1989 and 1994 had concentrations at or below 0.29 mg/l total phosphorus and 22.7 ug/l chlorophyll a. No data was collected for pH and dissolved oxygen. EPA does not believe this lake is in violation of the Arkansas narrative criterion for nutrients. Use Supported. |

Rationale for Not Listing Waters from Attachment B of Consent Decree

|              |          |           |  |
|--------------|----------|-----------|--|
| Greenlee     | 8020304  | turbidity | Data from 1989 and 1994 indicates no violations of the turbidity criteria of 25 NTU. All samples collected had concentrations at or below 9.7 NTU. Turbidity concentrations were not reported in 1999. Use Supported.  |
| Horseshoe    | 8020203  | turbidity | Data from 1989, 1994 and 1999 indicates no violations of the turbidity criteria of 25 NTU. All samples collected had concentrations at or below 20 NTU. Use Supported.   |
| June         | 11140203 | Bacteria  | 3) Current data (1999) indicates no violations in standards. All samples collected had concentrations at or below 210 col/100 ml. Use Supported.   |
| Erling       | 11140205 | Minerals  | Data from 1989, 1994 and 1999 indicates no violations of the minerals criteria. All samples collected had concentrations at or below 11 mg/l Chloride, 6 mg/l Sulfate, and 71 mg/l TDS. Use Supported.   |
| Erling       | 11140205 | Bacteria  | Current data (1999) indicates no violations in standards. All samples collected had concentrations at or below 43 col/100 ml. Use Supported.   |
| Lower Chicot | 8050002  | nutrients | All data collected for 1989, 1994 and 1999 had concentrations at or below 0.19 mg/l total phosphorus, 45.1 ug/l chlorophyll a, pH 7.73, 8.91 mg/l dissolved oxygen. EPA does not believe this lake is in violation of Arkansas narrative criterion for nutrients. Use Supported.     |
| Lower Chicot | 8050002  | turbidity | Data from 1989 and 1994 indicates no violations of the turbidity criteria of 25 NTU. All samples collected had concentrations at or below 11 NTU. Turbidity concentrations were not reported in 1999. Use Supported.   |
| Mallard      | 8020204  | turbidity | Data from 1989, 1994 and 1999 indicates no violations of the turbidity criteria of 25 NTU. All samples collected had concentrations at or below 18 NTU. Use Supported.   |
| Mallard      | 8020204  | Bacteria  | Current data (1999) indicates no violations in standards. All samples collected had concentrations at or below <3 col/100 ml. Use Supported.   |
| Millwood     | 11140109 | Nutrients | All data collected for 1989 and 1999 had concentrations at or below 0.05 mg/l total phosphorus, 36.10 ug/l cha, pH 8.83, 8.47 mg/l dissolved oxygen. EPA does not believe this lake is in violation of Arkansas narrative criterion for nutrients. Use Supported.                    |
| Old Town     | 8020303  | turbidity | Turbidity data from six data points only exceeded the standard on one occasion and it was 26 NTU while the standard is 25 NTU. Use Supported.  |
| Pine Bluff   | 11110207 | Bacteria  | Current data (1999) indicates no violations in standards. All samples collected had concentrations at or below 8 col/100 ml. Use Supported.  |
| Poinsette    | 8020203  | Turbidity | Turbidity data from six data points only exceeded the standard on one occasion and it was 30 NTU while the standard is 25 NTU. Use Supported.  |
| Upper Chicot | 8050002  | nutrients | All data collected for 1989, 1994 and 1999 had concentrations at or below 0.25 mg/l total phosphorus, 36.1 ug/l chlorophyll a, pH 8.83, and 8.47 mg/l dissolved oxygen. EPA does not believe this lake is in violation of Arkansas narrative criterion for nutrients. Use Supported. |

Rationale for Not Listing Waters from Attachment B of Consent Decree

|              |          |           |  |
|--------------|----------|-----------|--|
| Upper Chicot | 8050002  | turbidity | Data from 1989 and 1994 indicates no violations of the turbidity criteria of 25 NTU. All samples collected had concentrations at or below 11 NTU. Turbidity concentrations were not reported in 1999. Use Supported. |
| Storm Creek  | 8020100  | Bacteria  | Current data (1999) indicates no violations in standards. All samples collected had concentrations at or below 9 col/100 ml. Use Supported.  |
| Sugarloaf    | 11110105 | Bacteria  | Current data (1999) indicates no violations in standards. All samples collected had concentrations at or below 42 col/100 ml. Use Supported.   |